

LEP Program Frequently Asked Questions (FAQs)

Reporting

Why do districts need to report LEP information in the Title I consolidated plans, as well as with the State Board of Education?

Title I funds are used to serve many subgroups of students, including LEP students. For this reason it is necessary to report on the LEP objectives within the consolidated plan. However, the State Department and the State Board of Education are aware that these LEP students are the same students. Title I, Title III and State LEP funds can and should be integrated to serve this group of students.

How long will Data information collected in October 04 be available to the districts to reference?

Each district will be able to view their data submitted in the fall 2004 data collection throughout the year and will be able to use this data for a basis of the 2004 data collection.

Certification

Is having a Letter of Authorization (LOA) considered “certified” and are these teachers able to perform functions in line with any other certified teacher?

An LOA entitles the holder to all rights and privileges as a regular certification holder.

What qualifications do the LEP directors need to have?

As long as a person holds an Idaho teaching certificate of any kind, it is up to the district as to whether or not the person is qualified to direct an LEP program. It would be beneficial if the person has an ESL or a Bilingual endorsement.

Can an ESL teacher teach an English, Science or Math class for credit? What if the ESL teacher is teaching content-based instruction?

ESL certified teachers may teach an English class for English credit, because this subject matter deals with languages. However, a certified ESL teacher would need to have the Science or Math endorsement to be able to give graduation credit in those areas.

Paraprofessionals

Do Title I guidelines for paraprofessionals apply for Title III paraprofessionals?

The requirements under NCLB apply to all paraprofessionals in an instructional role if they are paid in full or in part with Title monies. Idaho has extended the Title I regulations to apply for all NCLB monies.

**Is it okay to use paraprofessionals in a building where the overseeing teacher is not?
Can someone else be the overseeing teacher in each building when the
paraprofessional travels to different schools?**

NCLB requires that paraprofessionals be supervised by a certified teacher in “close and frequent proximity,” which Idaho has interpreted to mean someone who works in the same building every day. Usually, this is a classroom teacher but in some cases, it may be an ESL teacher. However, in small districts where one certified ESL teacher develops the program which serves all the schools, this person would be responsible for working with the ESL paraprofessional on developing ESL lesson plans and curriculum, while a classroom teacher could directly supervise the role of the paraprofessional daily. The two teachers would collaborate to evaluate the performance of the paraprofessional.

What are the specific permitted roles of a paraprofessional?

- a) Provide one-on-one tutoring for eligible students during non-instructional time by a teacher.
- b) Assist with classroom management and organizing materials.
- c) Provide assistance in a computer lab or media center.
- d) Conduct parental involvement activities.
- e) Act as a translator.
- f) Provide instructional services **ONLY** under the direct supervision of a certified teacher.
 - i) Teacher plans instruction & evaluates student achievement
 - ii) Paraprofessional works in close & frequent physical proximity to teacher (*daily in bldg.*)
- g) Assume limited non-program related or supported duties that are assigned to similar personnel for a similar proportion of total work time.

Is it okay to use a paraprofessional to pull out 2-3 students for ESL instruction?

Yes, however any pull-out instruction must be in line with the permitted roles stated above. Pull out should never happen during key instructional time in the classroom. This is a violation of the Office of Civil Rights (OCR).

- Provision of one-on-one tutoring during non-instructional time.
- Assistance in a computer lab or media center.

Do the regulations for paraprofessionals apply to Kindergarten?

Yes.

ISAT and State Testing

If an LEP student arrives in kindergarten, when should a school start coding as LEP?

LEP programming is K-12, therefore if a student arrives in kindergarten, they should be identified, tested and placed in a program if appropriate. The LEP1 coding for ISAT purposes would only be for a student who is new to a U.S. school within the last 10 months. If a student enrolls in Kindergarten, they would **not** be able to be considered LEP1 in 1st grade, when the ISAT is given.

Should Pre-K students be tested?

The only Pre-K students that would be tested are students that are serviced through special education on an Individual Education Plan (IEP). Those students would take the Pre-K IRI for special education documentation. Otherwise there would be no other assessment for Pre-K, unless testing for language proficiency.

Do LEP1 students have to take the Direct Writing, Direct Math and IRI tests?

Yes. All LEP students have to take the Direct Writing, Direct Math and IRI tests. All tests should be given in English, however the Spanish IRI may be given to determine fluency in the native language and to assist with student educational learning plans.

Who is able to administer the Spanish IRI?

A person who scores a 3-4 on the Spanish Woodcock-Munoz is able to administer the Spanish IRI for a student.

How many students have to be tested within the LEP subgroup before AYP proficiency calculations apply?

For ISAT purposes and proficiency calculations, the subgroup number for LEP students is 34 or more.

However in terms of the *language proficiency testing*, there is no minimum subgroup number. All students are tested and counted in growth and proficiency calculations. AYP for Title III purposes is based on the ISAT results.

Should foreign exchange students be included in the LEP programming/considered as LEP?

As a generalization, foreign exchange students should not be considered as LEP. They are a different group of students and should not receive programming that comes from Title III or State LEP funds. However, at this point a district may decide what they would like to do. Foreign exchange students do have to be tested on the ISAT or they will be counted as untested.

How should schools code foreign exchange students on the ISAT?

Because they are not in any LEP program, foreign exchange students should not be coded as LEP, LEP1 or LEPX on the ISAT.

What is the definition of LEP1?

A student can be coded as LEP1 on the ISAT, if they are new to a U.S. school within the last 10 months. This federal flexibility allows for a new student, who may not speak English, to have at least a year in a US school before their ISAT – reading/language usage scores are considered in proficiency calculations. If a student has already taken a fall and spring ISAT test as LEP1 then they cannot be coded as LEP1 for the next fall or spring test.

Do LEP1 students have to take the ISAT – Math assessment? Are LEP1 students removed from proficiency calculations on the Math assessment?

Yes. LEP1 must take the ISAT Math assessment, however LEP1 students are removed from the proficiency calculations on the Math Assessment.

Do LEP1 students have to take the ISAT Reading and Language Usage assessments anyway, but just removed from calculations and included in participation?

LEP1 students do NOT need to take the ISAT Reading or Language usage assessments. LEP1 coding on the ISAT Math assessment is sufficient for identification of these students.

What is the definition of LEPX?

LEPX is the ISAT code that each school would give an LEP student that has been exited from an LEP program. This coding flexibility on the ISAT is allowable for 2 years after an individual student has exited the LEP program.

Do all districts have to utilize the code LEPX for the ISAT?

Idaho has adopted the federal flexibility in coding LEP students LEP1 and LEPX for the benefit of districts. For some districts the coding of LEPX may take their subgroup number above the “n” count of 34, therefore the State has determined that a district may **opt** to utilize this flexibility.

Are adaptations no longer an option for testing LEP students on the ISAT?

LEP students may only be given accommodations and adaptations if they are on an Educational Learning Plan (ELP). If adaptations are used for an LEP student the ISAT test is invalidated and the student is deemed not proficient.

Is "rewording or simplifying a test item" for LEP students considered an adaptation or accommodation?

Rewording or simplifying a test item is considered an adaptation. While this may be a helpful tool for LEP student testing, it must be noted that this is an adaptation and will invalidate the student's test.

What is the guidance on alternate graduation for LEP students?

- Each individual school board shall determine alternate graduation requirements for LEP students.

105.03. All students must achieve a proficient or advanced score on the High School Idaho Standards Achievement Test (ISAT) in order to graduate. A student who does not attain at least a proficient score prior to graduation may appeal to the local school board, and, at the discretion of the local school board, may be given an opportunity to demonstrate proficiency of the achievement standards through some other locally established mechanism. All locally established mechanisms used to demonstrate proficiency shall be forwarded to the State Board of Education for review and information. (3-20-04) **a.** Before appealing to the local school board for an alternate measure, the student must be: (3-20-04) **ii.** Enrolled in a Limited English Proficient (LEP) program for three (3) academic years or less.

107.06.a.iv./b.iii. The requirement of attaining a proficient or advanced score on the ISAT will be phased in providing the following exemption for the classes of 2006, 2007 and 2008:

The student is considered an LEP student through a score determined on the state language proficiency test and has been in an LEP program for three (3) academic years or less.

What about a 17 year-old student who just arrived from another country with high school transcripts and is placed at the Junior or Senior grade level?

It is up to a local school board, as stated above. Also, a student may be considered as LEP from ages 3-21.

Language Proficiency Testing

Do parents need to give their permission for an LEP student to take a language proficiency test?

No, parental notification is not required for academic testing. It is only required after the student is tested and is determined eligible for an LEP program.

What do schools do about parents who don't want their child tested because of "discrimination" or another reason?

As stated above, schools do not need parental permission to test the students. However if a school or district is having difficulties with some parents regarding the language proficiency testing, then a letter to the parents explaining the purpose of the testing would be helpful. If a parent still denies the school the right to test their child, then they are ultimately waiving their child's right to any kind of LEP program. However, under OCR, each school must serve all students, so these students would still need to be served through differentiated instruction if they have difficulties within the regular classroom.

When are students tested with a language proficiency assessment?

Districts need to test new students one time upon arrival into the district to determine language proficiency and appropriate placement into an LEP program. The timeline for this testing is within 30 days of registration at the beginning of the year, or within 2 weeks of enrollment. LEP students are then tested each spring with a language proficiency test to determine growth. Testing should take place spring to spring. Complete records of individual test scores and student data must be kept on file.

Who should administer the language proficiency test? Can tutors give the language proficiency tests within the districts?

The ESL/Bilingual Education teacher, or testing coordinator, would be the most appropriate staff to administer the language proficiency test. It is not within the parameters of a paraprofessional or tutor to give a test.

Is Idaho developing a language assessment test? If so, when will it be implemented and become available to school districts?

Yes. Idaho is working with a consortium of neighboring states and a testing company, Measured Progress, to develop a language proficiency test. Currently that test is being piloted in several districts in Idaho. A committee will review the results, feedback, etc. and make a determination whether Idaho should adopt this particular test as the State Language Assessment Test. If this test is not chosen, then the SBOE will work with a committee to choose one State test for usage in all districts. The test will be used for determining placement of a student into the LEP program, as well as an annual growth measurement. Spring 2006 is the target date for full implementation of the new test.

LEP Program

What is the definition of LEP?

The federal (Title IX) definition of limited English proficient', when used with respect to an individual, means an individual —

- (A) who is aged 3 through 21;
- (B) who is enrolled or preparing to enroll in an elementary school or secondary school;
- (C)(i) who was not born in the United States or whose native language is a language other than English;
- (ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and
- (II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or
- (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
- (D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual —
- (i) the ability to meet the State's proficient level of achievement on State assessments described in section 1111(b)(3);
- (ii) the ability to successfully achieve in classrooms where the language of instruction is English; or
- (iii) the opportunity to participate fully in society.

How or when is a student eligible for an LEP program?

For Federal and State funding purposes, a student is eligible for an LEP program if they meet the definition above and receive a score in the low range on a language proficiency test. If a student receives a high score on a language proficiency test, they may still be identified for an LEP program through low classroom grades and teacher recommendation, until a uniform State Language Proficiency Test is in place or further guidance is issued.

What is the definition of an LEP “program”?

Each district will determine what program or services they will offer to their LEP students. This may be in the form of services provided at a newcomer center, ESL

instruction each day or week, or specific differentiated instruction for LEP students within the content classes.

If a student has been in the district for a number of years but was not tested or did not receive services until a later date, when does their time in the LEP program start: at the first testing date or upon entry to the district?

The student will start in the LEP Program, and be considered for funding, when they begin receiving services. A student may only be placed in a specific program if they have been tested for language proficiency.

What should each school retain in the LEP student files?

At a minimum, schools should keep on file:

Student information/data

Home language survey

Any test information (language proficiency test, IRI, ISAT, etc)

Educational Learning Plan (if any accommodations are used in the classroom and for testing)

Parent notification letters

Teacher notes/comments

Program enter/exit dates and information

Transfer information

When may a student be exited from an LEP program?

An LEP student is exited from an LEP program when they meet a proficient score on a language assessment test and have been given a teacher recommendation to exit the program. Once a student is exited, they are not considered as LEP for funding purposes, however may still need differentiated teaching within the classroom, so content knowledge acquisition is ensured. These two years are coded as LEPX on the ISAT and are when the student is tracked and monitored.

What is the definition of Non English Proficient (NEP)?

NEP students are those who come to school with no or minimal English proficiency.

What is the definition of served?

For funding purposes, those students being “served” as LEP are those that have been given a language proficiency test and are given appropriate services. Each individual district determines these services or programs, whether within a mainstream class, pull out ESL instruction, SIOP, etc. These served students are reported for funding. On the other hand, under OCR, even if a student is not in a specific LEP program, due to parental choice or another reason, then it is still the responsibility of the school to serve the students according to their needs. These students do not qualify for additional State and Title III LEP funding.